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G.214

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,
A.P. STATE WAQF BOARD,
4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No.B3 / 01 / ATP / 2003 / Z-IV.

Date: 19-05-2023.

ANANTAPURAMU DISTRICT AND TOWN - JAMIA MOSQUE AND ITS ALLIED WAQF INSTITUTIONS SITUATED AT ANANTAPURAMU TOWN - ORDERS OF THE HON'BLE HIGH COURT DT: 24-04-2023 PASSED IN I.A.NO. 1 OF 2023 IN WP.No.10260/2023 - FURTHER EXTENSION OF SUSPENSION OF Sri KM SAFIULLAH AND Sri KM SHAKEEL SAFI AS MUTAWALLIES BEYOND (10) DAYS PERIOD ON VARIOUS ALLEGATIONS OF MISMANAGEMENT, LAPSES, IRREGULARITIES.

- Ref :**
1. Board's Resolution No.735 of 2023, Dt:10-03-2023.
 2. Proceedings No. B3/01/ATP/2003/Z-IV Dt. 13-03-2023.
 3. Notice even No., Dt: 13-03-2023.
 4. Reply of the Mutawallies, under suspension, Dt: 17-03-2023 before the Enquiry Officer/ Dy.sec, APSWB.
 5. Findings of the Enquiry Officer/ Dy.sec., APSWB, Dt: 20-03-2023.
 6. Proceedings even No., dated:23-03-2023.
 7. Orders Dt:24-04-2023 of Hon'ble High Court of AP in IA No.1 of 2023 in WP No.10260 of 2023.
 8. Notice even No. Dt: 27-04-2023 to Sri.KM Safiullah and Sri KM Shakeel Safi,(Mutawallies under suspension).
 9. Memo even No., Dt:27-04-2023 issued by CA/SO, APSWB, Vijayawada to suspended mutawallies enclosing material.

10. Memos Dt: 04-05-2023 submitted by Sri.Shaik Kareemulla, Learned Counsel on behalf of Sri.KM Safiullah and Sri KM Shakeel Safi.
11. Memos even No., Dt: 10-05-2023 issued by CA/SO, APSWB, Vijayawada to the Mutawallies (under suspension) enclosing connected material as desired by them.
12. Reply Memos Dated. 19.05.2023 submitted by the Learned Counsel appearing for Sri. K.M. Safiullah and Sri. K.M. Shakeel Safi.

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ORDER:

The subject Waqf institution namely Jamia Mosque and its allied institution with attached properties are notified Waqf in AP Gazette No.26, Part-II, and Dated: 28.06.1962 at Sl. No.1133 at Page No 766 and 767. There are Waqf lands attached to an extent of Ac. 12-46 cents in Sy.Nos.474, 200/1 and 23/1 respectively.

That upon the receipt of the Complaints received by the Waqf Board, Sri.K.M.Shafiullah and Sri.K.M.Shakeel Safi Mutawallies of the subject institutions vide ref. 1st cited, Dt: 10.03.2023 were placed under suspension for a period of ten (10) days U/sec. 64(5) of Waqf Act,1995 and taken the Waqf institutions under direct management of AP State Waqf Board and Sri. Shaik Hyder Basha, Superintendent, APSWB was appointed as Executive Officer to manage the day to day affairs of the subject institutions and appointed Sri.Shaik Noor Saheb, Deputy Secretary, A.P. State Waqf Board, Vijayawada as an Enquiry officer to conduct enquiry and followed by it orders issued vide ref. 2nd cited, Dt: 13.03.2023.

In pursuance to Proceedings vide ref. 2nd cited above, a notice was issued vide ref.3rd cited above, in compliance to the proviso under sub-section (5) of Section 64 of Waqf Act, 1995 to Sri K.M. Shafiullah and K.M. Shakeel Shafi, Mutawallies (under suspension) giving them a reasonable opportunity of being heard and requested them to appear for hearing before the Enquiry Officer/Deputy Secretary, AP State Waqf Board on 17.03.2023 at 11.30 AM, at O/o AP State Waqf Board, Vijayawada. The Mutawallies (under suspension)-submitted their reply on 17.03.2023 vide reference 4th read above, to the Enquiry Officer/Deputy Secretary, AP State Waqf Board and requested to revoke their suspension. The Enquiry Officer/Deputy Secretary, APSWB has gone into the reply submitted and perused the material produced before him and submitted his enquiry findings before the Competent Authority / Special Officer, APSWB vide ref.5th read above.

The Competent Authority / Special officer, APSWB after careful perusal and examining the reply of the Mutawallies (under suspension) and findings submitted by the Enquiry Officer/Deputy Secretary, APSWB and with reference to the available relevant records found it appropriate and passed orders to extend the suspension period beyond Ten (10) days of Sri.K.M.Safiullah and Sri.K.M.Shakeel Safi as their continuation in office will effect / influence the enquiry which is a must to find out the true facts of the complaints and allegations of serious nature.

In view of the above, the suspension of Sri. K.M.Safiullah and Sri.K.M. Shakeel Safi, as Mutawallies of Jamia Masjid and its allied Waqfs institutions situated at Anantapuramu Town & District was extended beyond Ten (10) days under sub-section (5) of Section 64 of Waqf Act,1995 and the rules framed there under.

Being aggrieved by the orders passed, the petitioners have approached the Hon'ble High Court vide WP No 10260 of 2023 and the Hon'ble High Court was pleased to pass an Interim Order vide IA No 1 of 2023 dated 24-04-2023 suspending the order dated:23-03-2023 and remitted back to the Special officer by providing opportunity of being heard to the Petitioners, and after hearing, the Special officer is directed to pass reasoned speaking order in accordance with law and communicated the same to the Petitioners

In compliance to the order passed in WP No 10260 of 2023 in IA No 1 of 2023 dated 24-04-2023 of the Hon'ble High Court, notices have been issued vide ref. 8th cited, Dt: 27.04.2023 to Sri.K.M.Safiullah and Sri.K.M.Shakeel Safi requesting them to attend for personal hearing and requested to appear either in person / through an Advocate on 04-05-2023 at 3:00 PM O/o. AP State Waqf Board, Vijayawada duly providing material vide memo dated: 27-04-2023 vide ref. 9th read above and the same was acknowledged by them on 28.04.2023.

In consequent to the above notice, the Learned Counsel Sri. Shaik. Karimulla appeared on 04-05-2023 along with Sri K.M. Shakeel Safi and filed vakalat on behalf of both Sri K.M. Safiullah and Sri K.M. Shakeel Safi and submitted that Sri K.M. Safiullah is not doing well and he is under medication due to bariatric surgery but did not produce any medical reports supporting his absence for his personal hearing and filed memo of appearance seeking documents as listed in their memo vide ref. 10th cited, Dt: 04.05.2023 and for personal hearing of next date fixed on:16-05-2023.

The copies of documents available in office furnished to (1) Sri K.M. Safiullah (222) pages and (2) Sri K.M. Shakeel Safi (218) pages respectively vide Memo ref. 11th cited, Dt: 10-05-2023 and intimated to attend for personal hearing which is fixed on 19-05-2023 at 11.00 AM O/o. AP State Waqf Board, Vijayawada instead of on 16-05-2023.

In response to the Memo Dt: 10-05-2023, both Sri K.M.Safiullah and K.M. Shakeel Safi failed to attend personal hearing on 19.05.2023 and Sri Shaik Karimullah, Advocate appeared before the Special Officer and again requested further time and also seek documents.

The learned counsel submitted the reply memos vide ref 12th cited, Dt. 19.05.2023 on behalf of Sri K.M.Safiullah and K.M. Shakeel Safi in the Tappal Section and obtained acknowledgement with a view to prolong the proceedings.

The Hon'ble High court vide its order dated. 24.04.2023 passed in WP No 10260 of 2023 in IA No 1 of 2023 remitted back the matter to the Special officer by providing opportunity of being heard to the Petitioners. Being the petitioners and having knowledge about the order passed by the Hon'ble Court on 24-04-2023 they are filling memos for seeking documents in order to prolong the hearing before the Special Officer. Further it is pertinent to mention that the request made by the petitioner was considered and material papers were provided to them on Three (3) occasions i.e., 13.03.2023, 27.04.2023 and 10.05.2023 respectively. Earlier, also upon their request sufficient time and reasonable opportunity was provided and it appears that the intention of the petitioners is just to prolong on one pretext or the other. As per the orders passed by the Hon'ble High Court, the reasonable opportunity and sufficient time was given to the petitioners but they failed to substantiate their case rather sought time on one pretext or another.

In this connection, on perusal of records available and the reply Dt: 17.03.2023 submitted by the petitioners before the Enquiry Officer/Deputy Secretary, AP State Waqf Board on the allegations / complaints listed out in the Boards proceeding vide ref. 2nd cited, Dt: 13.03.2023 reveals the following reasons:

1. That, though the income of the Waqf institutions is very high, but they are showing a meager amount. *There is no reply/ explanation on the said allegation by the Petitioners in the reply given to the Enquiry Officer/Deputy Secretary, AP State Waqf Board.*
2. That, they are misappropriating the donation funds received in the name of institution. That most of the donation funds are never reflected in the accounts of the Waqf Institutions. Further the boxes of chanda on Friday prayers at Eidgah Masjid are not opened in public but are opened in the closed rooms. *In reply, submitted before the Enquiry Officer/Deputy Secretary, AP State Waqf Board that the petitioners stated that all payments collected donations, rents and refundable advances are carried the Account Books as well as in Balance sheet enclosing Audit report for the year 2017-2018 only without submitting subsequent years.*
3. That, as per the preliminary enquiry report submitted it is found that the Musallies and the tenants of Waqf institution and public at large most of them are against the continuation of Sri. K.M.Safiullah and his son Sri K.M Shakeel Safi as Mutawallis and the same is also against the rule of succession mentioned as 'Election by Jamath' in the Survey Commissioner's report.
4. That, they continuously neglected their duties and committed malfeasance.
5. That being the active member of the Board he is influencing the appointments of Mutawallis in Anantapuramu District. Sri. Shakeel Safi is also taking an undue advantage of his father's position.
6. That most of the Local people and residents of Anantapuramu Town placed their grievances subject to the confidentiality and requested the Inquiry officer not to disclose their names.
7. That the tenants on oath informed inquiry officer that the rents collected from them are not properly reflecting in the accounts of Waqf institution. Further the person who is giving receipt is also not authenticated.
8. Sri Shaik Chand Basha complainant has submitted a bunch of demand electricity bills / receipts, while submitting the accounts. Whereas the Mutawallis (under suspension) in their reply stated that all electricity bills submitted by complainants are proof of bills details, if cross checked with Electricity Dept. and any errors are there, then they are answerable. For this a detailed verification of accounts as well as cross checks with Electricity Department is required as stated by the petitioner.
9. Further on verification of bills / receipts it is found that they are in the names of individuals i.e. K. Abubakar and Mohammed sab instead of respective institution name for which also further verification and enquiry is required why the electricity connection was taken upon the individual names instead of institution name and also why steps has not taken to change in the name of Waqf institutions etc.,.
10. That he removed Mr Shoukat Ali treasurer from the construction committee Eidgah Masjid shopping complex so as to hide his misappropriation collected in the name of Mosque. *The Mutawallis (under suspension) has not given any reply in this aspect.*

11. That they are not taking any safeguard measures to protect the Waqf and its allied institutions. *The Mutawallies (under suspension) has not given any reply in this aspect.*
12. That not only the subject property being exploited in the hands of them, but also the other Waqf properties were being exploited. *The Mutawallies (under suspension) has not given any reply in this aspect.*
13. That using his dominant position they are misusing the funds of the Waqf institution and also causing loss to the Waqf revenue.
14. That part of the Eidgah ground admeasuring an extent of Ac.2.00 Cents is being utilized for commercial purpose without the knowledge of Waqf Board.
15. That, he is not physically fit to look after the affairs of the Jamia Masjid and its allied properties. Moreover, he is above 80 yrs of age suffering from various health related issues. In this regard it is found from the records that *Sri K.M. Safiullah Mutawalli (under suspension) in his reply Dt:17-03-2023 / 04-05-2023 admitted that he is not feeling well due to ill health and not able to attend personal hearing at Head Office, Vijayawada.*

In view of the aforesaid reasons, I am inclined to extend the suspension beyond the period of (10) days in respect of Sri K.M.Safiullah and Sri K.M. Shakeel Safi /Petitioners to elicit the true facts.Hence it is just and necessary to conduct regular enquiry in this matter and it shall be completed by the Enquiry Officer Sri Moosa Bin Ibrahim within the stipulated time period U/sec.71 of the Waqf Act, 1995 and rules framed there under.

(Sd/-),
Special Officer,
Competent Authority,
A.P. State Waqf Board,
Vijayawada.

To

- 1.Sri KM Safiullah,
- 2.Sri K M Shakeel Shafi,
Mutawallies (Under Suspension), Jamia Masjid and its allied properties, Anantapuramu Town & District. (Through I.A.Waqfs, Anantapuramu District).

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